

OCT 17 2019

South Dakota Board Of Pharmacy  
SDORL Office  
Suite 106  
4001 W. Valhalla Blvd.  
Sioux Falls, SD 57106

October 17, 2019

This is a follow up to a previous request:

To Whom It May Concern:

I wanted to follow up on the following south Dakota Open Records Law request, copied below, and originally submitted on Oct. 2, 2019. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

Filed via MuckRock.com

E-mail (Preferred) : 8114232832475 @ requests .muckrock.com

For mailed responses, please address (see note):

MuckRock News

DEPT MR 81142

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (**i.e.**, with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

on Oct. 2, 2019:

Subject: South Dakota Open Records Law Request : South Dakota POMP Request

To Whom it May concern,

Northeastern University's School of Social Justice and Health Equity is interested in the state's prescription monitoring program, the South Dakota Prescription Monitoring Program (SD PMP). Specifically, we want to learn more about law enforcement access to the database, the use of an algorithm that produces a risk assessment score to analyze its contents, and the data access and retention rules governing the system. We understand the algorithm was produced by the corporation Appriss Health.

In order to permit the public to understand how the South Dakota Board of Pharmacy and Environmental Control is using the SD PMP and how it impacts public health and civil liberties in South Dakota, Northeastern University's Health in Justice Action Lab is making this request under the south Dakota Sunshine Law, §1-27-1 et seq., for the following records:

1. Any and all records including information about the algorithm that determines

risk scores in the SD PMP, including but not limited to its source code, developer documentation, and operator manuals (e.g. Narx score, Overdose Risk Score); Our platform vendor, Appriss Health, would need to be contacted for this information.

2. Any and all research, technical reports, or internal audits that define and/or evaluate the SD PMP effectiveness or performance; N/A; we do not produce such information.

3. Any and all research, technical reports, or internal audits that evaluate the Appriss risk assessment tool's effectiveness or performance; N/A; we do not produce such information.

4. Any and all records of de-identified red flag algorithm outputs (e.g. provider red flag, pharmacy red flag, 40 MED red flag) and patient behavioral red flags (e.g., anxious patient demeanor, distance between prescriber and dispenser) with prescriber/dispenser training documentation on how to address the red flags; N/A; we do not produce such information.

5. Any record showing the number of patients in the SD PMP by quarter and year (2006-present); and Program statistics may be viewed at <https://doh.sd.gov/boards/pharmacy/PDMP/>.

6. Any and all records showing how often law enforcement entities or individuals have requested information or records from the SD PMP, or made electronic queries of the system, including but not limited to what types of information or records have been requested, which agencies have made the requests, the percent of requests that were accepted versus denied, temporal trends, the form of the request (e.g. subpoena, warrant, etc.), and whether the requests were granted or denied. Program statistics may be viewed at <https://doh.sd.gov/boards/pharmacy/PDMP/>.

Because this request involves a matter of public concern and because it is made on behalf of a nonprofit organization, we ask that you waive any fees. If you decide not to waive fees, we request that you permit us to examine, at our election, the responsive documents before deciding which portions to transmit. We prefer the documents in electronic format.

Should you determine that some portion of the documents requested are exempt from disclosure, please release any reasonably segregable portions that are not exempt. In addition, please note the applicable statutory exemption and explain why it applies to the redacted portions. As you know, a custodian of public records shall comply with a request within ten days after receipt. SD PDMP Confidentiality of Information is defined in SDCL 34-20E-5 with allowed disclosure provided in SDCL 34-20E-7. If your entity is interested in SDCL 34-20E-7-(8); you will need to contact our platform vendor, Appriss Health, and pay them for SD PDMP de-identified data.

Thank you for your assistance. We look forward to your response.

Sincerely,  
Sarah Seymour

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